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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CATHY WOODS (A/K/A ANITA
CARTER), by and through her Personal
Representative,
LINDA WADE,

Titanium,

V.

CITY OF RENO, NEVADA, LAWRENCE
C. DENNISON, DONALD W. ASHLEY,
CLARENCE A. "JACKIE" LEWIS,
CALVIN R. X. DUNLAP, WASHOE
COUNTY, NEVADA, DOUGLAS
MATTHEW BURKS, M.D., JOHN L.

) CASE NO.: 3:16-CV-00494
)
)
)
)
) DEFENDANT CLARENCE A.
) “JACKIE” LEWIS AND DONALD W.
) ASHLEY’S MOTION FOR
) EXTENSION OF TIME TO FILE
) MOTION TO EXTEND DISCOVERY
) DEADLINE
)
)
)
)

MOTION FOR MODIFICATION OF SCHEDULING ORDER

NOW INTO COURT, through undersigned counsel, come Defendants, Clarence A. "Jackie" Lewis and Donald W. Ashley, who move for a 30-day extension of dates on the scheduling order as follows:

1.

The scheduling order currently provides for deadlines to exchange discovery, motions to compel, disclosure of experts and rebuttals to expert reports, and expert depositions and dispositive motions. The parties previously agreed to the extension of the deadline for damages experts due to difficulty completing the deposition of Plaintiff, as well as completion of testing. The parties also agreed to an extension of the discovery period to allow for the completion of the deposition of several treating physicians and the caretakers of Plaintiff due to their inability to be deposed within the discovery period.

2.

In February, 2019, counsel for Defendants, Clarence A. “Jackie” Lewis and Donald W. Ashley, Edwin H. Byrd, III, suffered a serious eye illness that required retina reattachment surgery and an extended period of treatment requiring that he remain face down. After that three-week treatment the retina successfully remained attached, but Mr. Byrd has not yet regained sight in the left eye sufficient for him to read.

3.

Unfortunately, on June 17, 2019, Mr. Byrd suffered the same condition to the right eye, the eye used since the previous injury. Mr. Byrd underwent emergency surgery for that condition on June 18, 2019. Mr. Byrd is expected to remain in the difficult face down position for at least 10 days, depending upon the pace of recovery, but based upon the prior experience it is expected that it will last longer than that, likely two weeks. Following that, Mr. Byrd will have a period he is not able to read with that eye. The nature of the surgical procedure utilized on the right eye is different than the previous procedure and it is expected that he will be able to see sufficiently to read with the right eye

within three weeks of the procedure. Unfortunately, Mr. Byrd is not able to see adequately to read and will be in that position for at least several weeks.

4.

Mr. Byrd is primary counsel for the Defendants, Clarence A. "Jackie" Lewis and Donald W. Ashley, and is primarily involved with numerous expert issues. Mr. Byrd has also participated in every deposition for the Defendants. There is no counsel associated with Mr. Byrd able to meaningfully participate in any of the above activities.

5.

The undersigned counsel has assisted Mr. Byrd as the associate in this firm familiar with this matter. Unfortunately, his last day with the firm is Friday, June 21, 2019, as he has accepted a position in another city. Accordingly, at this point there is no other lawyer in the firm familiar with this matter.

6.

Counsel has contacted all counsel for the other parties to advise them of this situation and seeking their consent to this modification request. All counsel have agreed to a 30-day extension of all deadlines, other than the deadline for dispositive motions.

WHEREFORE, for the reasons set forth above, Defendants, Clarence A. "Jackie" Lewis and Donald W. Ashley, request an order extending all discovery deadlines by 30 days so that Mr. Byrd may be able to meaningfully participate in the activities remaining.

Respectfully submitted,

PETTIETTE, ARMAND, DUNKELMAN,
WOODLEY, BYRD & CROMWELL, L.L.P.

s/ Zachary A. Wilkes

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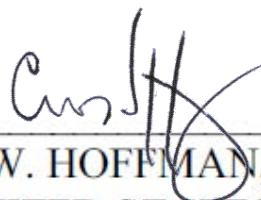
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IT IS SO ORDERED.

DATED: **Jun 27, 2019**



C.W. HOFFMAN, JR.

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I, Zachary A. Wilkes, hereby certify that on June 21, 2019, I filed the foregoing via CM/ECF, which was electronically delivered to all counsel of record.

s/ Zachary A. Wilkes
COUNSEL FOR DEFENDANTS, CLARENCE A.
“JACKIE” LEWIS AND DONALD W. ASHLEY